

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**TERRI PECHNER-JAMES and SONIA
FERNANDEZ,
Plaintiffs,**

V.

C.A. No. 03-12499-MLW

**CITY OF REVERE, THOMAS AMBROSINO,)
MAYOR, CITY OF REVERE POLICE)
DEPARTMENT, TERRENCE REARDON,)
CHIEF OF POLICE, BERNARD FOSTER,)
SALVATORE SANTORO, ROY COLANNINO,)
FREDERICK ROLAND, THOMAS DOHERTY,)
JOHN NELSON, JAMES RUSSO, MICHAEL)
MURPHY and STEVEN FORD,)
Defendants,)**

**DEFENDANT, CITY OF REVERE'S, CERTIFICATE OF COMPLIANCE WITH
LOCAL RULE 7.1(a)(2) RE: MOTION FOR RULE 11 SANCTIONS (DOCKET NO. 163)**

On April 10, 2006, Defendants' Counsel, Assistant City Solicitor Walter H. Porr, Jr., filed Defendant, City of Revere's, Motion for Fed.R.Civ.P. 11 Sanctions (Docket No. 163). At the time he did so, he was operating under what has since proven to be a mistaken assumption, namely; that given the very nature of the motion (i.e., a Rule 11 motion which can not be filed prior to the expiration of a 21 day safe harbor period), that a certification of compliance with Rule 11 itself (which appears on the face of the motion in the first paragraph), also satisfied the Local Rule 7.1 certification. Hence, a separate certification to the latter effect was not filed. The Court has since indicated that this assumption was indeed mistaken (Omnibus Discovery Order, Docket No. 166, page 8).

In this case, an attempt to resolve the Rule 11 motion issues was undertaken in a manner consistent with Local Rule 7.1, though under the rubric of Fed.R.Civ.P. 11 (see Affidavit of Walter H. Porr, Jr., Docket No. 164, Exhibit “B”). Plaintiffs’ Counsel did not reply in any

fashion whatsoever to this attempt to resolve the issues presented by the Rule 11 motion and thus, this attempt failed. Accordingly, after the 21 day safe harbor period had expired, the Rule 11 motion was filed.

Thus, this certificate of compliance is being filed now in anticipation of the renewing of the subject motion in a manner consistent with the briefing schedule set by the Court in its Omnibus Discovery Order (Docket No. 166, pages 7-8).

For the Defendant, **CITY OF REVERE**,

By its Attorneys,

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Dated: April 13, 2006.

CERTIFICATE OF SERVICE

I, Walter H. Porr, Jr., Assistant City Solicitor and counsel of record for the Defendants, City of Revere and the City of Revere Police Department, hereby certify that I have electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. I caused to be served upon counsel of record, at the address stated below, via the method indicated, a true copy of same:

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/s/ Walter H. Porr, Jr.
Walter H. Porr, Jr.,

Dated: April 13, 2006